



# PUBLIC NOTICE

Federal Communications Commission  
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DA 20-661

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## COMMENT SOUGHT ON CTIA-USTELECOM PETITION FOR RULEMAKING AND DECLARATORY RULING REGARDING CERTAIN *PRO FORMA* TRANSACTIONS

WT Docket No. 20-186  
RM-11860

Comment: July 24, 2020

Reply Comment: August 10, 2020

The Wireless Telecommunications Bureau seeks comment on a Petition for Rulemaking and Declaratory Ruling filed jointly by CTIA – The Wireless Association (CTIA) and USTelecom requesting that the Federal Communications Commission initiate a rulemaking proceeding and issue a declaratory ruling to simplify filing requirements for *pro forma* assignment and transfer of control applications.<sup>1</sup>

In their petition, CTIA and USTelecom propose that the Commission amend section 1.948 of the Commission's rules,<sup>2</sup> as well as other relevant rule sections,<sup>3</sup> to remove the existing prior approval requirement for all *pro forma* transactions that currently are subject to prior approval procedures.<sup>4</sup> Specifically, the parties propose amendments that would automatically deem all *pro forma* transactions to be in the public interest and permit all *pro forma* transactions to be filed as 30-day post-closing notifications, regardless of license type.<sup>5</sup> In the alternative, the parties request that all *pro forma* filings that are currently subject to prior approval procedures be approved automatically.<sup>6</sup> CTIA and USTelecom make numerous other suggestions to streamline, expedite, or otherwise clarify the Commission's *pro forma* transaction processing procedures, including changes to the Commission's Universal Licensing

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<sup>1</sup> Petition of CTIA – The Wireless Association and USTelecom for Rulemaking and Declaratory Ruling To Streamline Federal Communications Commission Processes Regarding Non-Substantial Assignments of Licenses and Transfers of Control (filed June 5, 2020) (Petition), <https://ecfsapi.fcc.gov/file/106051130814680/200605%20CTIA-USTelecom%20Pro%20Forma%20Reform%20Petition%20-%20FINAL.pdf>.

<sup>2</sup> 47 CFR § 1.948.

<sup>3</sup> CTIA and USTelecom indicate their proposed revisions should also apply to Parts 5 and 25 of the Commission's Rules, 47 CFR §§ 5.79, 25.119. Petition at 11.

<sup>4</sup> See Petition at 2, n.6, citing examples where the Commission granted forbearance from applying the prior approval requirement in section 310(d) of the Act to *pro forma* assignments and transfers of control of licenses when the licensee qualifies as a "telecommunications carrier." See generally 47 U.S.C. § 610.

<sup>5</sup> Petition at 10-11.

<sup>6</sup> Petition at 7, 12-13 (referring to rules under which *pro forma* assignment or transfer of control applications involving certain non-common carrier stations are deemed granted one business day after filing, so long as certain conditions are met).

System and revisions to related forms. They also request that the Commission issue a declaratory ruling on a number of policies and procedures that they believe will reduce burdens on licensees involved in *pro forma* assignment and transfer of control applications. We request that commenters filing on the Petition specifically address how the proposals comport with the Commission's underlying statutory obligations in section 310(d) of the Communications Act of 1934, as amended.<sup>7</sup>

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*Filing Requirements.* Pursuant to sections 1.45, 1.415 and 1.419 of the Commission's rules,<sup>8</sup> interested parties may file comments and reply comments on or before the dates indicated above and must reference **WT Docket No. 20-186** and **RM-11860**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>9</sup>

- Electronic Filers: Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by commercial courier or by the U.S. Postal Service. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial deliveries (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service First-Class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 20554.
- **Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.**<sup>10</sup>

*People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Government Affairs Bureau at 202-418-0530 (voice, 202-418-0432 (tty)).

*Ex Parte Rules.* This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>11</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments

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<sup>7</sup> 47 U.S.C. § 310(d).

<sup>8</sup> 47 CFR §§ 1.45, 1.415, 1.419.

<sup>9</sup> See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

<sup>10</sup> See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20-304 (March 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

<sup>11</sup> See 47 CFR § 1.1200 *et seq.*

already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf).<sup>12</sup> Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

*Additional Information.* For further information regarding this Public Notice, please contact Katherine Patsas Nevitt at Katherine.Nevitt@fcc.gov (WTB Mobility Division) or Linda Ray at Linda.Ray@fcc.gov (WTB Broadband Division).

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<sup>12</sup> *Id.* § 1.1206(b).